IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1250 OF 2006.
IN
CRIMINAL APPEAL NO. 1181 OF 2006.

Vishal Madhkar More and others. ... Applicants.
Versus.
The State of Maharashtra. ... Respondents

Shri R.S.Kate for the Applicant.

Shri S.R.Shinde, A.P.P. for the Respondent-State.

AND

CRIMINAL APPLICATION NO. 1318 OF 2006
IN
CRIMINAL APPEAL NO. 1205 OF 2006.

Nagesh Laxman Parade. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Arunkumar Patil for the Applicant.

Shri S.R.Shinde, A.P.P. for the State.

CORAM : ABHAY S.OKA, J.

DATED : 22nd December, 2006.

P.C.:

1. Criminal Application No.1250 of 2006 is by the accused Nos.1, 3 and 4 and Criminal Application No.1318 of 2006 is by Accused No.2.

2. Applicants have been convicted for an offence punishable under section 395 of the Indian Panel Code and substantive sentence is rigorous imprisonment for 7 years.

3. It is submitted that the Applicants were on bail

throughout the trial and there is no allegation of breach or misuse of the liberty granted. It is submitted that the incident is of July 2001 and no identification parade was held. It is submitted that it is impossible to believe that P.W.1-complainant could identify the Applicants after lapse of about five years when his evidence was recorded in the Court. The learned A.P.P. submitted that the identification by the Complainant in Court is more than sufficient.

4. The Applicants were on bail throughout the trial. There is no allegation of misuse of liberty. Considering the evidence of the prosecution witnesses and peculiar facts of the case, the Applicants deserve to be enlarged on bail on stringent conditions.

5. The Applications are disposed of by the following order:

i) The Applicants, viz. (i) Vishal Madhukar Moare, (ii) Rajaram Baba Thorbole, (iii) Haridas Ravsaheb Kadam (Applicants in Criminal Application No.1250/2006) and (iv) Nagesh Laxman Parade (Criminal Application No.1318 of 2006) shall be enlarged on bail in the sum of Rs.10,000/- each with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicants will report to the Walchand Nagar Police Station on every first Saturday of every month at 11.00 a.m. till the disposal of the Appeal.

Judge.